

AMENDMENT AND RESPONSE

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Serial No.: 10/696,025

Filing Date: October 29, 2003

Attorney Docket No. 100.188US02

Title: INCREASED TRANSMISSION CAPACITY FOR A FIBER-OPTIC LINK

REMARKS

Applicant has reviewed the Office Action mailed on August 24, 2004, as well as the art cited. Claims 1-12 are pending in this application.

Double Patenting Rejection

Claims 1-12 were rejected under the judicially created doctrine of double patenting over claims 1-67 of U.S. Patent No. 6,643,471.

A Terminal Disclaimer in compliance with 37 CFR 1.321 is enclosed herewith to overcome these rejections.

Rejections Under 35 U.S.C. § 103

Claims 1, 3-6 and 10-12 were rejected under 35 USC § 103(a) as being unpatentable over Knotz (U.S. Patent No. 6,289,055) in view of Wedding (U.S. Patent No. 5,510,919).

Claims 2 and 7-9 were rejected under 35 USC § 103(a) as being unpatentable over Knotz (U.S. Patent No. 6,289,055) in view of Wedding (U.S. Patent No. 5,510,919) and further in view of Ohhata et al. (U.S. Patent No. 6,304,357).

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. MPEP 2143

Claim 1

In dependant Claim 1 has been amended to further distinguish the current invention from the cited art. Neither the Knotz nor the Wedding reference alone or in combination teach or suggests what is currently claimed in Claim 1 of the present application. For example as amended, Claim 1 includes the element "logically decoding the comparison outputs to produce

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decoder outputs." The Knotz reference does not teach or suggest this element since the reference uses a method that does not require a logical decoding circuit to provide an output. Hence, there is no motivation or suggestion provided in this reference to use a logical decoding circuit since one is not needed.

Accordingly, the applicant respectfully requests the withdrawal of the rejection of Claim 1 under section 103. Moreover, since Claims 1-5 depend from and further define patentably distinct Claim 1, the Applicant also respectfully requests the withdrawal of the rejection of these dependant claims. Since, the Applicant believes the dependant claims are allowable for the above reason, further responses to all rejections may not have been provided in this response. However, the Applicant retains the right to address any said rejections if a further response is needed.

Claim 6

In dependant Claim 6 has been amended to further distinguish the current invention from the cited art. Neither the Knotz nor the Wedding reference alone or in combination teach or suggests what is currently claimed in Claim 6 of the present application. For example as amended, Claim 6 includes the element "logically decoding the first and at least one additional serial, digital data streams." The Knotz reference does not teach or suggest this element since the reference uses a method that does not require a logical decoding circuit to provide an output. Hence, there is no motivation or suggestion provided in this reference to use a logical decoding circuit since one is not needed.

Accordingly, the applicant respectfully requests the withdrawal of the rejection of Claim 6 under section 103. Moreover, since Claims 7-12 depend from and further define patentably distinct Claim 6, the Applicant also respectfully requests the withdrawal of the rejection of these dependant claims. Since, the Applicant believes the dependant claims are allowable for the above reason, further responses to all rejections may not have been provided in this response. However, the Applicant retains the right to address any said rejections if a further response is needed.

CONCLUSION

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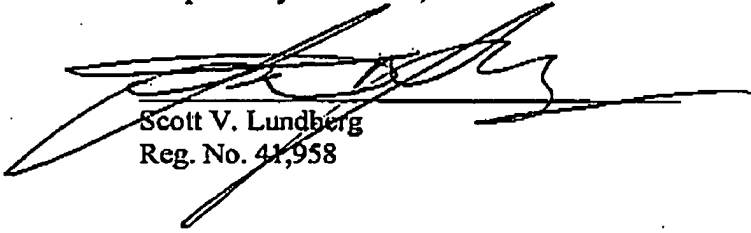
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Applicant respectfully submits that claims 1-12 are in condition for allowance and notification to that effect is earnestly requested. If necessary, please charge any additional fees or credit overpayments to Deposit Account No. 502432.

If the Examiner has any questions or concerns regarding this application, please contact the undersigned at (612) 332-4720.

Respectfully submitted,

Date: 10-24-04

Scott V. Lundberg
Reg. No. 41,958

Attorneys for Applicant
Fogg and Associates, LLC
P.O. Box 581339
Minneapolis, MN 55458-1339
T - (612) 332-4720
F - (612) 332-4731